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Paper No. 15

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**DEC 19 2000**


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In re Application of :  
Marc Alaia et al. :  
Application No. 09/311,557 : NOTICE  
Filed: May 14, 1999 :  
Attorney Docket No. 046700-5004-01 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. No. 97-1128, -1280, -1453, 1998 U.S. App. LEXIS 21409, at \*30 (Fed. Cir. Sept. 1, 1998). Therefore, your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (703) 305-9285.

This file is being forwarded to Publishing Division to be processed into a patent.

  
Wan Laymon  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Assistant Commissioner  
for Patent Policy and Projects